

NO. 51

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

THURSDAY, APRIL 4, 2019

Thursday, April 4, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 663 Sen. Campbell

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 742 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4834, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 743 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE THE GILBERT HIGH SCHOOL STUDENT COUNCIL, STUDENT BODY, ADVISORS, AND SCHOOL OFFICIALS ON THE SCHOOL'S FIRST ANNUAL CHARITY WEEK, TOMAHAWK FEST 2019, AND TO COMMEND THEM FOR THEIR HARD WORK AND FUNDRAISING EFFORTS FOR THE CHILDREN OF THIS STATE.

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The Senate Resolution was adopted.

THURSDAY, APRIL 4, 2019

H. 3780 -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 59 SO AS TO CREATE THE "GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM", TO FACILITATE THE DEPLOYMENT OF BROADBAND TO UNSERVED AREAS OF THE STATE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY FUND, TO PROVIDE THAT ANY PROPERTY OWNED BY A MUNICIPALITY MAY BE LEASED OR RENTED IN CERTAIN SITUATIONS, TO PROVIDE THAT A MUNICIPALITY-OWNED UTILITY MAY BE LEASED, TO PROVIDE THAT A MUNICIPALITY IS AUTHORIZED TO SELL OR LEASE ANY PUBLIC ENTERPRISE THAT IT OWNS, TO PROVIDE THAT THE STATE SHALL ALLOW COLLOCATION, INSTALLATION, AND OPERATION OF CERTAIN EQUIPMENT BY A BROADBAND PROVIDER ON ANY EXISTING STRUCTURES, AND TO PROVIDE FOR A MONTHLY 911 SERVICE CHARGE; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 7, TITLE 59 AS "ARTICLE 1, GENERAL PROVISIONS".

Read the first time and referred to the Committee on Judiciary.

H. 3785 -- Reps. Sandifer, Howard, Thayer, West and Weeks: A BILL TO AMEND SECTION 40-2-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF THE BOARD OF ACCOUNTANCY, SO AS TO REMOVE AN OBSOLETE REFERENCE AND TO PROVIDE MEETINGS MAY BE CLOSED IN CERTAIN INSTANCES PURSUANT TO FEDERAL LAW OR AT THE DISCRETION OF THE BOARD; TO AMEND SECTION 40-2-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 40-2-35, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EXAMINATIONS BE COMPUTER BASED; TO AMEND SECTION 40-2-80, RELATING TO THE CONFIDENTIAL TREATMENT OF CERTAIN EVIDENCE OBTAINED DURING INVESTIGATIONS BY THE BOARD, SO AS TO PROVIDE ALL

THURSDAY, APRIL 4, 2019

PROCEEDINGS AND INQUIRIES RELATED TO THE INVESTIGATIONS ARE CONFIDENTIAL EXCEPT AS OTHERWISE PROVIDED; TO AMEND SECTION 40-2-90, RELATING TO INVESTIGATIONS BY THE BOARD, SO AS TO REMOVE A DUPLICATIVE REFERENCE AND TO PROVIDE DISCIPLINARY HEARINGS BY THE BOARD MUST BE OPEN TO THE PUBLIC EXCEPT IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-2-240, RELATING TO LICENSURE OF OUT-OF-STATE PERSONS BY THE BOARD, SO AS TO REVISE CRITERIA FOR SUCH LICENSURE; AND TO AMEND SECTION 40-2-340, RELATING TO DISCLAIMERS THAT ACCOUNTING PRACTITIONERS AND ACCOUNTING PRACTITIONER FIRMS MUST USE WHEN ASSOCIATING THEIR NAMES WITH CERTAIN COMPILED FINANCIAL STATEMENTS, SO AS TO REMOVE THE EXISTING BOILERPLATE LANGUAGE AND INSTEAD PROVIDE SUCH DISCLAIMERS MUST COMPLY WITH CERTAIN NATIONAL STANDARDS.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3807 -- Reps. Felder, Bernstein and Mack: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TEEN SKIN CANCER PREVENTION ACT" BY ADDING CHAPTER 129 TO TITLE 44 SO AS TO PROHIBIT INDIVIDUALS UNDER EIGHTEEN YEARS OF AGE FROM USING TANNING EQUIPMENT IN TANNING FACILITIES, TO ESTABLISH PENALTIES, AND FOR OTHER PURPOSES.

Read the first time and referred to the Committee on Medical Affairs.

H. 3936 -- Reps. Davis, Daning, Chellis, Thigpen, Pendarvis, Erickson, Jefferson, R. Williams and Brown: A BILL TO AMEND SECTION 59-104-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO INCLUDE TWO-YEAR INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES AMONG INSTITUTIONS OF HIGHER LEARNING WHOSE STUDENTS MAY BE ELIGIBLE FOR THE SCHOLARSHIPS.

Read the first time and referred to the Committee on Education.

THURSDAY, APRIL 4, 2019

H. 4261 -- Reps. McCoy, G. M. Smith, Ott, Sandifer, Simrill, Lucas, Jefferson, R. Williams, Fry, Ballentine and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-31-25 SO AS TO PROVIDE THAT MAJOR UTILITY FACILITIES OF THE PUBLIC SERVICE AUTHORITY MUST BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR APPROVAL IN THE MANNER DETERMINED BY LAW; BY ADDING ARTICLE 7 TO CHAPTER 31, TITLE 58 SO AS TO ESTABLISH CERTAIN MANDATORY PROCEDURES THAT THE PUBLIC SERVICE AUTHORITY MUST FOLLOW PRIOR TO REVISING ANY OF ITS BOARD-APPROVED RETAIL RATE SCHEDULES FOR RESIDENTIAL, LIGHTING, COMMERCIAL, OR INDUSTRIAL CUSTOMERS IN A MANNER THAT RESULTS IN A RATE INCREASE; BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 58 SO AS TO CREATE THE "SOUTH CAROLINA PUBLIC SERVICE AUTHORITY REVIEW AND OVERSIGHT COMMISSION", AND TO DEFINE THE COMMISSION'S COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES; TO AMEND SECTION 58-31-20, RELATING TO THE PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS AND ITS ADVISORY BOARD, SO AS TO REQUIRE THE PUBLIC SERVICE AUTHORITY TO SUBMIT ANNUAL AUDITS TO THE ADVISORY BOARD AND TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY REVIEW AND OVERSIGHT COMMISSION, AND TO REQUIRE THE LIVE STREAMING OF BOARD AND COMMITTEE MEETINGS; TO AMEND SECTION 58-31-30, RELATING TO THE POWERS OF THE PUBLIC SERVICE AUTHORITY, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO APPROVE THE PUBLIC SERVICE AUTHORITY'S CONSTRUCTION OF ANY MAJOR UTILITY FACILITY; AND TO AMEND SECTION 58-33-20, RELATING TO DEFINITIONS APPLICABLE TO CHAPTER 33, TITLE 58, SO AS TO REVISE THE DEFINITIONS OF "MAJOR UTILITY FACILITY" AND "PERSON".

Read the first time and referred to the Committee on Judiciary.

H. 4262 -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G. R. Smith, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA SMALL

THURSDAY, APRIL 4, 2019

WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO PROVIDE, AMONG OTHER THINGS, THAT CERTAIN AGREEMENTS OR ENACTMENTS PERTAINING TO THE DEPLOYMENT OF SMALL WIRELESS FACILITIES THAT DO NOT COMPLY WITH CERTAIN PROVISIONS OF THIS ACT MUST BE DEEMED INVALID AND UNENFORCEABLE BEGINNING OCTOBER 1, 2019; TO PROVIDE THAT CERTAIN UNITS OF LOCAL GOVERNMENT "AUTHORITIES" WITH CONTROL OVER RIGHTS OF WAY MAY NOT PROHIBIT, REGULATE, OR CHARGE FOR THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES; TO PROVIDE THAT SMALL WIRELESS FACILITIES MUST BE CLASSIFIED AS PERMITTED USES AND NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER SPECIFIED CIRCUMSTANCES; TO PROVIDE REQUIREMENTS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND ISSUANCE OF PERMITS FOR COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE AUTHORITIES TO ALLOW THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES UNDER SPECIFIED CIRCUMSTANCES; TO PROHIBIT AUTHORITIES FROM REGULATING THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY SMALL WIRELESS FACILITY IN SPECIFIED CIRCUMSTANCES; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS JURISDICTION TO RESOLVE ALL DISPUTES ARISING UNDER THE ACT; AND TO PROHIBIT AN AUTHORITY FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY THE AUTHORITY OR ITS OFFICERS OR EMPLOYEES AND FROM NAMING THE AUTHORITY AS AN ADDITIONAL INSURED ON A WIRELESS PROVIDER'S INSURANCE POLICY.

Read the first time and referred to the Committee on Judiciary.

H. 4287 -- Reps. Lucas, G. M. Smith, Simrill, Rutherford, McCoy, Ott, Stavrinakis, Gilliard and Caskey: TO PROVIDE THAT THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE MAY UTILIZE STATE APPROPRIATED OR AUTHORIZED FUNDS, INCLUDING THE USE OF THOSE FUNDS TO RETAIN NECESSARY EXPERTS, LEGAL COUNSEL, BANKING INSTITUTION, OR ANY OTHER

THURSDAY, APRIL 4, 2019

FINANCIAL ENTITY, TO EVALUATE AND REVIEW A POTENTIAL, COMPLEX FINANCIAL TRANSACTION FOR THE POTENTIAL SALE OF SANTEE COOPER AND ANY OR ALL OTHER RELATED FINANCIAL TRANSACTIONS NECESSARY FOR USE IN THIS FINANCIAL EVALUATION, WHICH THE COMMITTEE CONSIDERS TO BE IN THE BEST INTERESTS OF THIS STATE AND ITS TAXPAYERS AND RATEPAYERS, TO PROVIDE THAT THE ACTIONS OF THE COMMITTEE ARE SUBJECT TO FINAL APPROVAL BY THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE MANNER IN WHICH THIS OFFER IS TRANSMITTED TO AND APPROVED OR DISAPPROVED BY THE GENERAL ASSEMBLY, INCLUDING A TIMELINE REQUIREMENT.

Read the first time and referred to the Committee on Finance.

H. 4396 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO HONOR GASPER LOREN TOOLE III OF AIKEN COUNTY UPON THE OCCASION OF HIS RETIREMENT FROM THE BOARD OF DIRECTORS OF SECURITY FEDERAL BANK, TO OFFER GRATITUDE FOR HIS MANY SIGNIFICANT CONTRIBUTIONS TO AIKEN COUNTY AND THE PALMETTO STATE, AND TO WISH HIM MANY YEARS OF HAPPINESS AND FULFILLMENT.

The Concurrent Resolution was adopted, ordered returned to the House.

RECALLED AND COMMITTED

H. 4117 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF NURSING, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4863, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, with unanimous consent, the Resolution was recalled from the Committee on Medical Affairs and committed to the Committee on Labor, Commerce and Industry.

Message from the House

Columbia, S.C., April 4, 2019

Mr. President and Senators:

[SJ]

THURSDAY, APRIL 4, 2019

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4312 -- Reps. G.M. Smith, Rutherford and Murphy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 1, 2019, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE FEBRUARY 28, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2022; AND AS THE DATE TO MEET IN JOINT SESSION FOR THE PURPOSE OF ELECTING SUCCESSOR MEMBERS TO THE SOUTH CAROLINA CONSUMER AFFAIRS COMMISSION FOR SEATS 1, 2, 3, AND 4, SO AS TO FILL THE TERMS WHICH EXPIRE APRIL 14, 2018, AND JUNE 2, 2018.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 735 -- Senator Johnson: A BILL TO ABOLISH THE CLARENDON COUNTY BOARD OF EDUCATION, TO PROVIDE THAT THE CLARENDON COUNTY LEGISLATIVE DELEGATION MAKES FOUR APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 IN CLARENDON COUNTY AND NINE APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 2 IN CLARENDON COUNTY.

ADJOURNMENT

At 11:10 A.M., on motion of Senator JACKSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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THURSDAY, APRIL 4, 2019
SENATE JOURNAL INDEX

S. 735	7	H. 3936	3
S. 742	1	H. 4117	6
S. 743	1	H. 4261	4
		H. 4262	4
H. 3780	2	H. 4287	5
H. 3785	2	H. 4312	7
H. 3807	3	H. 4396	6